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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,841	10/13/2000	James R. Lavoie	05954.0063-00000	6663
22852	7590	11/26/2003	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			ENATSKY, AARON L	
		ART UNIT	PAPER NUMBER	
		3713		
DATE MAILED: 11/26/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/689,841	LAVOIE ET AL.
	Examiner Aaron L Enatsky	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of Amendment

Examiner acknowledges receipt of amendment on 9/29/03. The arguments set forth in the response are addressed herein below. Furthermore Applicant's amendments have corrected problems cited in the 35 USC 112 rejection of paper no. 17.

Drawings

New corrected drawings are required in this application because of informal drawing corrections. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. '398 (Hereafter Schneier) in view of Holch et al. '128 (Hereafter, Holch) in further view of Koza et al. '453 (Hereafter, Koza).

Schneier discloses receiving from a first client terminal an agent terminal (AT) or a handheld ticket viewer (HTV) at which a player will make a purchase request for at least one

wager from a central management computer (CMC) (5:56-67 and 6:1-7) where the results will be determined and stored in the CMC before game play (9:35-39, 9:57-10:4). Schneier further supports that purchase requests to generate outcome/results and transmission of results to a first client terminal all take place before game play (17:10-18:33, 23:22-24). Schneier also teaches a player can play a game at different times (11:45-50), a player account is debited based on a purchase request or prize winning where it would be inherent that debiting occurs by subtracting purchase amount from an account balance (19:1-21 and 20:40-52), determining an outcome of the purchased wager on the CMC (15:59-67), the outcomes are stored in a database in the CMC (7:39-4 1). Schneier also discloses that a managing authority can track player related information and store it in a player database (11:51-56), thus it is inherent from this disclosure and the above discussed limitation of player account debiting that during all transactions a player identifier is used and would be received at the first client terminal. Additionally Schneier teaches that communications between the AT/HTV terminals and the CMC can be accomplished through various types of interactive communication networks (6:26-27 and 6:32-4 1). Schneier does not recite the limitation of sending to a second client terminal the result of at least one wager during game play. However Schneier does not preclude on-line game play, such as receiving results during game play, thru reiterating that the game can be off-line (22:56-60), allowing for games to be played at different times as discussed above, and also teaches that games could be played at any location (23:15-20). As such Applicants requirement for a second client terminal is viewed as functionally equivalent to allowing game play at a later date on the same machine. Applicant's use of a second terminal to reveal game results during on-line game play serves to define game plays using remaining purchased outcomes at a time designated by a player. Furthermore, it is

notoriously well known that cashless gaming methods allows players to establish monetary wagering accounts that can be used at different machines and at different dates and times. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schneier to allow game play on a secondary machine such that when at a different location, remaining game plays could be revealed. Koza, in addition to that which is taught by Schneier, describes a remote lottery game system (3:10-35). Koza provides further evidence that it was well known in the art of remote lottery game systems to allow winning values to be determined prior to, during, or after distributing a ticket depending on the type of game employed in the system (5:40-44).

In re claim 2-4 and 13-14, Schneier et al. discloses the above-mentioned limitations and in addition, that a purchase may include a purchase amount of "m" tickets and a denomination value represented through different price points (17:1-9). Likewise, it is inherent through the disclosure that a number of wagers maybe purchased since the gaming system as established, includes a plurality of game and purchase terminals allowing concurrence of multiple separate purchases and game play.

In re claims 5 and 27, Schneier et al. discloses the above-mentioned limitations in addition to a plurality of agent terminals (5:63) that are located on-site at retailers/merchants (6:5-7).

In re claims 11 and 12, Schneier et al. discloses the above-mentioned limitations in addition to a player may communicate messages in response to suitable prompts/menu to purchase wagers/outcomes (10:33-55).

In re claim 19, Schneier et al. teaches that a player can continue game play until player

balance is equal to zero (19:16-21 and 20:40-44).

In re claim 20-21 and 24-25, Schneier et al. discloses the above-mentioned AGAM that consists of authentication data including biometric data such as fingerprints (7:48-67).

In re claim 23, Schneier et al. discloses the above-mentioned limitations in addition, it is shown from Fig. 1, a plurality of client terminals are connected to a server and exist for the execution of the gaming system thus described.

In re claim 26, Schneier et al. discloses the above-mentioned limitations in addition to an output device (HTV) in a touch-screen arrangement with player controls to select various game functions (12:8-14). Also disclosed is an embodiment where the AT and CMC are combined into one unit where game/wager purchases will be made through the HTV. In this arrangement it is inherent that a menu be offered including that which will provide a player with game/wager purchase selections.

Response to Arguments

Applicant's arguments with respect to claims 1-36 have been considered but are not considered persuasive. Applicant has amended claims to correct issues regarding 35 USC 112 problems. Applicant has also amended claims to include the limitation of "adjusting, at the server, an account of the patron based on the results of the at least one wager before game play has begun;" purportedly for the purpose of allowing a gaming patron to view game winnings before any game has been played. Examiner agrees that this feature is also supported Applicants specification. However, Applicant's arguments are not commensurate in scope with currently claimed limitations. Applicant's arguments imply that upon wager purchase, results are determined and a patron's account is updated without ever having to play a game. At which time

a patron can view the new account balance that allows them to determine game wins or losses, again, without playing the game. Applicant's claims at present only require account adjustment before game play has begun. This broad recitation is met by nearly every wagering and non-wagering pay-for-play game known in the art. The steps used to determine eligibility for game play dictates that a patron/game player's account will be debited, thus adjusted, before game play. A game machine will generally not activate a game until a player deposits money, wherein the case of a cashless game machine, debiting a patron's account to provide game activation. Thus, claims remain rejected in view of prior cited rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
November 21, 2003


Teresa Walberg
Supervisory Patent Examiner
Group 3700